

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA

IN RE:	Nicole McDaniels,	:	Chapter 13
	Debtor	:	Case No. 21-13245-amc
<hr/>		:	
Delaware County Tax Claim Bureau		:	
Movant		:	
vs.		:	
		:	
Nicole McDaniels and Anthony McDaniels, Sr.,		:	
Respondents		:	
and		:	
Kenneth E. West,		:	
Trustee		:	

STIPULATION IN SETTLEMENT OF MOTION FOR RELIEF FROM THE  
AUTOMATIC STAY REGARDING  
59 PRICE AVENUE, LANSDOWNE, PENNSYLVANIA

It is hereby stipulated by and between Movant Delaware County Tax Claim Bureau, Debtor Nicole McDaniels, and non-filing co-owner Anthony McDaniels, Sr., that the Motion for Relief filed by Movant regarding 59 Price Avenue, Lansdowne, Delaware County, Pennsylvania, bearing Folio No.: 23-00-02773-00 is resolved as follows:

1. The Automatic Stay provided by § 362 of the Bankruptcy Code shall remain applicable to 59 Price Avenue, Lansdowne, Delaware County, Pennsylvania, bearing Folio No.: 23-00-02773-00 (hereinafter referred to as the "subject property") pursuant to the terms and conditions set forth herein.
2. The parties agree that the total post-petition arrearage on the subject property consists of delinquent taxes for the tax years **2022-2023 in the amount of \$14,681.79 as of June 2024**. The cost for filing this Motion is \$199.00. The total now due for 2022-2023 is \$14,880.79 as of June 2024.
  - a. This does not include the ongoing interest of nine percent (9%) that is added to delinquent real estate taxes per statute.
  - b. There is a fee of \$15.00 assessed for each tax year that is in a payment agreement with Movant. This fee is added to each year in a payment agreement after the Court's approval of this Stipulation.
  - c. These figures do **not** include the 2024 real estate taxes due on the subject property. The Debtor will continue to pay the amount due for all taxes due in 202 and all subsequent payments due and late charges shall be due in accordance with each taxing authority's schedule.

- d. If the 2024 real estate taxes are turned over to Movant for collection, Movant may not offer a payment plan to Respondents for said real estate taxes. Furthermore, Movant will be entitled to relief from the Stay as set forth herein.
3. All payments made pursuant to the Stipulation shall be by cashier's check, certified check or money order made payable to The Delaware County Tax Claim Bureau, 201 West Front Street, Government Center Building, Media, Pennsylvania 19063-2708. Debtor's payment to the Delaware County Tax Claim Bureau which is subsequently returned due to insufficient funds in the account upon which the check is drawn, shall not constitute payment as the term is used in this Stipulation.
4. That if the Debtor provides sufficient proof (by copies of checks or money orders) of payments made but not already credited, the account will be adjusted accordingly.
5. The Debtor shall:
  - A. Make a lump sum payment in the amount of \$1,215.00 (this payment will be first be applied against the costs) on or before July 19, 2024; and
  - B. Payments of \$1,215.00 per month starting on August 30, 2024 and continuing to be paid on the last business day of each month thereafter until the balance due on the 2022-2023 taxes, with interest and costs, are paid in full.

**Any payment due on a non-business day at the Delaware County Tax Claim Bureau, such as a weekend or holiday, will then be due on the prior business day. The date stamp on a mailing is not the date of receipt of any payment.**

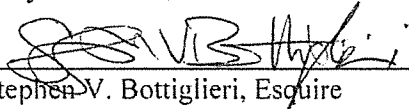
6. That Pennsylvania allows a tax claim bureau of a Second Class County to add nine percent (9%) interest on all delinquent real estate taxes turned over to the tax claim bureau for collection. The application of the interest charge is authorized by Section 306 of the Real Estate Tax Sale Law, Act 542 of 1947 as amended. Codified at 72 P.S. §5860.101, *et seq.* Interest at the rate of nine percent (9%) will continue to accrue on the balance until the taxes, fees and costs are paid in full.
7. If Debtor fails to make any of the aforementioned payments or pay the real estate taxes due on the subject property in 2024 or any subsequent tax year then Movant shall send Debtor and Debtor's Counsel a written Notice of Default of the Stipulation. If the default is not cured within fourteen (14) days from the date of the Notice, counsel may file a Certification of Default with the Court and the Court shall enter an Order granting *in rem* relief from the Automatic Stay under §362 (d)(4).
8. In the event Debtor converts to a Chapter 7 during the pendency of this Bankruptcy case, Debtor shall cure all arrears within fourteen (14) days of the date of the conversion in order to bring Debtor's Real Estate Taxes current. Should Debtor fail to bring the Real

Estate Taxes current, Movant shall send Debtor and Debtor's Counsel a written Notice of Default of the Stipulation. If the default is not cured within fourteen (14) days from the date of notice, counsel shall file a Certification of Default with the Court and the Court shall enter an Order granting *in rem* relief from the Automatic Stay under § 362 (d)(4).

9. Debtor agrees that if the Bankruptcy case is dismissed for any reason, the Movant shall be immediately granted *in rem* relief from the Automatic Stay pursuant to 11 U.S.C. §362 (d)(4). Upon request of Movant, the Court shall enter an Order granting Movant *in rem* relief from the Automatic Stay pursuant to 11 U.S.C. §362.
10. That in the event of Default of this Stipulation, it is specifically agreed that the Stay provided by Bankruptcy Rule 4001(a)(3) is expressly waived by the Debtor. That the Stay provided by Bankruptcy Rule 4001(a)(3) being waived, the Movant may immediately enforce and implement this Order.
11. The parties agree that a facsimile signature shall be considered an original signature.

Respectfully submitted,


Dated: 8/22/2024

BY:   
Stephen V. Bottiglieri, Esquire  
Attorney for Movant

Dated: 07/15/2024

BY: /s/ Michael I. Assad  
Michael I. Assad, Esquire  
Attorney for Debtor

Dated: 07 / 21 / 2024

BY:   
Nicole McDaniels, Debtor

Dated: \_\_\_\_\_

BY: \_\_\_\_\_  
Anthony McDaniels, Sr., Non-Filing Co-Debtor

**NO OBJECTION. WITHOUT PREJUDICE TO ANY RIGHTS AND REMEDIES OF THE CHAPTER 13 TRUSTEE**

Dated: 8/26/2024

BY: /s/ Jack Miller, for  
Kenneth E. West, Chapter 13 Trustee



Audit trail

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